

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
CLERKS OFFICE
2005 FEB 18 P 12:57

ERIC KELLEY,

Plaintiff,

SHERIFF DI PAOLO, et al.

Defendants.

C.A. No 04-11192-RCL

**PLAINTIFFS MOTION FOR SUMMARY
JUDGEMENT FOR FAILURE OF THE
DEFENDANTS TO PROPERLY OPPOSE
THE COMPLAINT.**

Now Comes, The plaintiff in the above matter, and respectfully requests that that this Honorable Court grant, award, and ORDER Summary Judgement in the plaintiffs favor, for the following reasons;

The defendants response to the complaint is impenetrable, excessively vague and so ambiguous that it gives rise to continued deliberate indifference.

The repetative statement " Calls on palintiff to prove" does not serve ("Fair Notice") of defensive claims as outlined in Smith and Zobels Rules of Practice 6 MPS §12.19

The defendants offer no caselaw or oppisition that states a valid legal dispute.

The section entitled "Defenses" are carbon copied analogies that have no force of law, argument, or explanations to survive a trial.

Attached is memorandum in support.

Respectfully;

Eric Kelley (Eric Keeley) Pro Se